

REMARKS

The present amendment is submitted in response to the Office Action dated September 27, 2006, which set a three-month period for response, making this amendment due by December 27, 2006.

Claims 1-6 and 10 are pending in this application.

In the Office Action, claim 10 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-5 and 7-10 were rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,827,473 to Kobayashi. Claims 1-4 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by EP-0936107 to Valeo Vision. Claims 1-4 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,644,840 to Yagi et al. Claims 7-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Valeo Vision as applied to claim 1, and further in view of EP-1191279 to Hella.

In the present amendment, claim 1 was amended to add the features included in claims 7-9, which were canceled. Claim 1 now recites that the headlight further has a *diaphragm located between the light source and a lens, wherein the filter is disposed in an opening of the diaphragm, wherein the opening is completely framed by the diaphragm.*

With regard to the rejection of claim 10 under Section 112, second paragraph, proper antecedent basis is now provided for the recited element of the diaphragm.

The Applicants respectfully submit that amended claim 1 defines a patentably distinct set of features that is not disclosed or suggested by the cited references.

The basis of the amendment to claim 1 is Figs. 3 and 4. The infrared range transmissive filter 6' is disposed on a diaphragm 7 located between the light source and the lens of the headlight. The filter is disposed in an opening of the diaphragm, and the opening is completely framed by the diaphragm. This provides the advantage that the emerging cone of the infrared radiation has a specific shape provided by the opening.

In the Office Action, the Examiner has rejected claim 1 as being anticipated by Kobayashi and refers to Fig. 12. Fig. 12 shows a headlight having a light source 22 and a lens 26. A glass plate 31 serving as a carrier of an infrared transmissive filter is disposed between the light source and the lens.

In contrast to the present invention, the filter has an opening 36 for visible light. The filter is NOT disposed in an opening of the diaphragm with the opening being totally framed by the diaphragm. According to the present invention, only infrared light is emitted.

Claim 1 also was rejected as being anticipated by Valeo Vision. However, this reference does not show an infrared range transmissive filter, which is disposed on a diaphragm located between the light source and the lens of the headlight. Again, the filter is not disposed in an opening of the diaphragm, with the opening being totally framed by the diaphragm. Valeo Vision does not disclose a projective headlight: there is no lens.

Finally, claim 1 was rejected as being anticipated by Yagi et al, with reference to Fig. 6. The same argument as set forth with regard to Valeo Vision also applies to Yagi et al. Yagi does not disclose a diaphragm disposed between the light source and the lens of the headlight having an opening in which an infrared transmissive filter is disposed, with the filter being completely framed by the diaphragm. The advantages of the present invention therefore cannot be achieved by Yagi either.

Because each of the cited references discussed above fails to disclose all of the features of amended claim 1, the rejections under Section 102 must be withdrawn. The Applicants submit further that none of the cited references is an appropriate reference either under MPEP section 2131, which indicates that to anticipate a claim a reference must teach **every element** of the claim in as complete detail as is contained in Applicant's claim, or under MPEP section 2143.03, since not all of Applicant's claim limitations are taught or suggested.

For the reasons set forth above, the Applicants respectfully submit that claims 1-6 and 10 are patentable over the cited art. The Applicants further request withdrawal of the rejections under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss

appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

/ Michael J. Striker /

Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700